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Supreme Court, U.S.
FILED
MAY 11 1971
E. ROBERT SEAVER, CLERK

No. 1400

In the
Supreme Court of the United States
OCTOBER TERM, 1970

DROBNICK ET AL.,
Petitioners,

vs.

FOSS PARK DISTRICT, a Body Corporate and Politic,
Respondent, Condemnor.

PETITION FOR REHEARING

MARK J. DROBNICK, *pro se*
JOSEPH J. DROBNICK, *pro se*

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The Scheffer Press, Inc., 118 South Clinton Street, Chicago, Illinois

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There are other substantial grounds available to the Petitioners which have not yet been presented to this Honorable Court. Therefore the Petitioners, MARK J. DROBNICK, *pro se,* and JOSEPH J. DROBNICK, *pro se,* pray that the order entered April 19th, 1971 denying the petition for writ of certiorari be revoked and further prays that the petition for the writ of certiorari be granted.

Massey v. *The United States,* 291 U.S. 608;
Sanitary Regrigerator Co. v. *Winters,* 280 U.S. 30;
Schriber v. *Cleveland Trust Co.,* 305 U.S. 47.

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REPLY BRIEF

ANSWER TO POINT I.

It takes One Million Dollars to construct a golf course, and it takes $150,000.00 per year to operate and maintain a golf course. This is big business. Jack Nicklaus makes $100,000.00 per year at the business of golf.

The State Appellate Court decision permits the taxation of homes for the purpose of acquisition of land, construction and maintenance of a golf course. Yet a home receives no benefit from a golf course. It is improper to use Tax Revenue for the construction, maintenance and operation of a golf course (9.1-6 Chapter 105, Ill. Rev. Statutes of 1969).

A Constitutional federal question has been ruled on by both the Trial Court and the Appellate Court as taxation of homes is permitted for the construction, operation and maintenance of a golf course.

ANSWER TO POINT II. AND POINT III (Part I)

The Petitioners for the Writ of Certiorari are real parties in interest. Joseph J. Drobnick, The Drobnick Realty Company and Mark J. Drobnick have all been served with summonses (See Page 73 and Page One of the Report of Proceedings).

The averments of the petition for condemnation as to the title of the Respondents, landowners, are binding on the condemnor, The Foss Park District. The Respondents, landowners are not duty bound to prove his or their title.

The Drobnicks are taxpayers in the Foss Park District. The Drobnick Realty Company was and still is a taxpayer of the Foss Park District. Joseph J. Drobnick is a Taxpayer of the Foss Park District. (See Tax Receipts Exhibit No. 1 attached hereto and made a part hereof).

Mark J. Drobnick is a taxpayer of the Foss Park District of lots and lands, and also of his residence at 1017 Wadsworth Avenue, North Chicago, Illinois. (See Tax Receipts Exhibit No. 2 attached hereto and made a part hereof).

ANSWER TO POINT III—(Part II)

Both the Appellate Court's decision and the Brief of the Foss Park District admit that in part tax funds are being used to acquire land, construct and maintain a golf course. Then the Foss Park District hopes to defray part of the costs of maintenance of the golf course by the payment of

a users' fee. The record before the Court is adequate for a determination to be made.

ANSWER TO POINT III—(Part III)

There is no resemblance between fishing and golf. I have never seen a million dollar fish and I hope I never see a million dollar fish. It takes a million dollars to construct a golf course, and it takes $150,000.00 per year to maintain it. Golf is big business. The industries that supply the golf sticks and golf bags, and the golf balls is also a million dollar business. Jack Nicklaus and others make $100,000.00 per year at the big business of golf.

Why should a small home owner, who works in a factory for his daily bread, supply the grounds for big business? The home owner derives no benefit from such taxation. All taxes on homes are based on the theory that some benefit is granted to the homeowner. Even special assessments are based on direct benefit to the home. A golf course gives no benefit to the home.

Respectfully submitted,

MARK DROBNICK, *Pro Se*

EXHIBIT NO. 1

REAL ESTATE TAX
FOR THE YEAR 1967
COUNTY OF LAKE • STATE OF ILLINOIS

BOOK	PARCEL NUMBER	TAX CODE	TAX RATE	EQUALIZED VALUE	TOTAL TAX DUE
1060	805	1009	4.198	660	27.72

		1st INSTALLMENT	2nd INSTALLMENT
NAME	J J DROBNICK 415 MADISON ST WAUKEGAN ILL 60085	13.86	13.86
		INTEREST	INTEREST
PROPERTY DESCRIPTION	CITY OF NORTH CHICAGO SOUTH WAUKEGAN	COST	COST
		TOTAL	TOTAL

SUB LOT OR SEC.	LOTS OR TWP.	BLOCK OR RANGE	ACRES	1st INST. DUE	2nd INST. DUE
	012	005	LOT	06/08/68	09/01/68

ENCLOSE THIS BILL WITH PAYMENT.

(OVER)

SEE REVERSE SIDE FOR RECEIPT OF PAYMENT.

WHY WAIT IN LINE? PAY YOUR TAXES BY MAIL!

1. **PENALTY DATE and INTEREST:** Payments due on or before due dates shown on front. Interest added at rate of 1% per month after penalty dates. 29¢ per lot and 51¢ per land description costs are added after advertising delinquent tax.
2. **SOMEBODY ELSE'S BILL:** If you have sold this real estate, kindly mail this bill to new owner.
3. **PAYMENT and RECEIPT:** Be sure to enclose this tax bill with your remittance to insure proper credit. Receipted bill will be returned to you as soon as your payment is recorded.
4. **N.S.F. CHECK:** Receipt void if payment is made by check which is not honored by bank. A charge of $2.00 will be made by the Collector for any check not honored by bank.
5. **NO TAX BILL:** Failure to receive tax bill will not relieve the tax payer of penalties accruing if taxes are not paid before penalty date.

PAYMENT RECEIVED 2ND INSTALLMENT

JUN 10-68 ISSUED 009122 PAID ****27.72

PAYMENT RECEIVED 1ST INSTALLMENT

EXHIBIT NO. 1

REAL ESTATE TAX

FOR THE YEAR 1967

COUNTY OF LAKE • STATE OF ILLINOIS

BOOK	PARCEL NUMBER	TAX CODE	TAX RATE	EQUALIZED VALUE	TOTAL TAX DUE
1060	804	10094	4.198	660	27.72

		1st INSTALLMENT	2nd INSTALLMENT
NAME	J J DROBNICK 415 MADISON ST WAUKEGAN ILL 60085	13.86	13.86
		INTEREST	INTEREST
PROPERTY DESCRIPTION	CITY OF NORTH CHICAGO SOUTH WAUKEGAN	COST	COST
		TOTAL	TOTAL

SUB LOT OR SEC.	LOTS OR TWP.	BLOCK OR RANGE	ACRES	1st INST. DUE	2nd INST. DUE
	011	005	LOT	06/08/68	09/01/68

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PAYMENT RECEIVED 2ND INSTALLMENT

JUN 10-68 PAID ISR 109121 ****27.72

PAYMENT RECEIVED 1ST INSTALLMENT

EXHIBIT NO. 2

REAL ESTATE TAX
FOR THE YEAR 1968
COUNTY OF LAKE • STATE OF ILLINOIS

BOOK	PARCEL NUMBER	TAX CODE	TAX RATE	EQUALIZED VALUE	TOTAL TAX DUE
945	1542	0901	4.911	6940	340.84

NAME	1st INSTALLMENT	2nd INSTALLMENT
MARK J. CROBNICK 415 MADISON ST. WAUKEGAN ILL. 60085	170.42	170.42
	INTEREST	INTEREST
PROPERTY DESCRIPTION: WAUKEGAN HIGHLANDS	COST	COST
	TOTAL	TOTAL

SUB LOT OR SEC.	LOTS OR TWP.	BLOCK OR RANGE	ACRES	1st INST. DUE	2nd INST. DUE
	008	003	LOT	06/02/69	09/02/69

ENCLOSE THIS BILL WITH PAYMENT.

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PAYMENT RECEIVED 2ND INSTALLMENT

PAID 9-1812 007****340.84 027 153

PAYMENT RECEIVED 1ST INSTALLMENT

EXHIBIT NO. 2

REAL ESTATE TAX
FOR THE YEAR 1968
COUNTY OF LAKE • STATE OF ILLINOIS

BOOK	PARCEL NUMBER	TAX CODE	TAX RATE	EQUALIZED VALUE	TOTAL TAX DUE
945	1541	0901	4.911	1700	83.50

NAME: MARK J. CROBNICK
415 MADISON ST.
WAUKEGAN ILL. 60085

1st INSTALLMENT	2nd INSTALLMENT
41.75	41.75
INTEREST	INTEREST
COST	COST
TOTAL	TOTAL

PROPERTY DESCRIPTION: WAUKEGAN HIGHLANDS

SUB LOT OR SEC.	LOTS OR TWP.	BLOCK OR RANGE	ACRES	1st INST. DUE	2nd INST. DUE
	007	003	LOT	06/02/69	09/02/69

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PAYMENT RECEIVED 2ND INSTALLMENT

OCT 15 68 PAID - 1812 008*****83.50

PAYMENT RECEIVED 1ST INSTALLMENT

AFFIDAVIT

State Of Illinois }
County Of Lake }

MARK J. DROBNICK being first duly sworn on oath deposes and says that the Petition for Rehearing is presented in good faith and not for delay, and the petition is restricted to the grounds above specified.

/s/ MARK DROBNICK
MARK DROBNICK
Lawyer
415 Madison St.
Waukegan, Illinois

Subscribed and sworn to before me
this 6th day of May, 1971.
/s/ Doris M. Moynihan
Notary Public.

(Seal)